APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,582	02/04/2002	Kazuhiko Hachiya	112857-314	2820

29175   7590   01/23/2008
BELL, BOYD & LLOYD, LLP
P. O. BOX 1135
CHICAGO, IL 60690

EXAMINER
PESIN, BORIS M

ART UNIT	PAPER NUMBER
2174	

MAIL DATE	DELIVERY MODE
01/23/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/072,582	HACHIYA ET AL.
	Examiner	Art Unit	
	BORIS PESIN	2174	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _07 November 2007_.
2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _81-87 and 94-114_ is/are pending in the application.
   4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) _81-87 and 94-99_ is/are allowed.
6) ☒ Claim(s) _100-114_ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a) ☒ All   b) ☐ Some * c) ☐ None of:
       1. ☒ Certified copies of the priority documents have been received.
       2. ☐ Certified copies of the priority documents have been received in Application No. _____.
       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
          application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This communication is responsive to the amendment filed 11/07/2007.

Claims 81-87 and 94-114 are pending in this application. Claims 81 and 100 are

independent claims. In the amendment filed 11/07/2007, Claims 72-80 and 88-

93 were canceled and claims 100-114 were added as new. This action is made

Final.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1,

148 USPQ 459 (1966), that are applied for establishing a background for

determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating

obviousness or nonobviousness.

Claims 100-114 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Leahy et al. (US 6219045) in view of Weishut et al. (US

5923737) further in view of Logan et al. (US 4821029).

In regards to claim 100, Leahy teaches, method of controlling an agent associated with user of an electronic system comprising: sending an agent parameter from the electronic system, wherein the agent parameter is at least one of an inner information and an outer information (i.e. "*Current avatar position register 114 contains the current position and orientation of A's avatar in the virtual world. This position is communicated to other clients via network message processor 104. The position stored in register 114 is updated in response to input from input devices 116. For example, a mouse movement might be interpreted as a change in the current position of A's avatar.*" Column 5, Line 15, position is outer information, thus the "at least one" limitation is met); wherein the outer information defines a behavior of an agent (i.e. "*Current avatar position register 114 contains the current position and orientation of A's avatar in the virtual world. This position is communicated to other clients via network message processor 104. The position stored in register 114 is updated in response to input from input devices 116. For example, a mouse movement might be interpreted as a change in the current position of A's avatar.*" Column 5, Line 15).

Leahy does not teach setting a state of said agent in said electronic system to absent state in response to sending the agent parameter. Leahy further does not teach modifying the behavior of the agent in said electronic system in accordance with said state wherein modifying the behavior includes displaying at least one of a plurality of animated image associated with the agent at the electronic system if the state is present.

Weishut teaches setting a state of said agent in said electronic system to
absent state in response to sending the agent parameter (i.e. "FIG. 6 shows
how the user can indicate, if he is absent or not and how the absent state is
indicated. The user simply indicates his absence/presence by switching the
light switch 4. Absence is represented by a dark office as shown in the figure,
while presence is represented by an illuminated office, just like in every day life.
The control means are arranged for communicating the absence of the user of
the terminal to other terminals, the users of those terminals thereby being
informed of the absence of the user." Column 5, Line 47). Weishut further
teaches, modifying the behavior of the agent is said electronic system in
accordance with said state in said electronic system, wherein modifying the
behavior includes displaying an animated image associated with the agent at
the electronic system if the state is present (i.e. "FIG. 6 shows how the user can
indicate, if he is absent or not and how the absent state is indicated. The user
simply indicates his absence/presence by switching the light switch 4. Absence
is represented by a dark office as shown in the figure, while presence is
represented by an illuminated office, just like in every day life. The control
means are arranged for communicating the absence of the user of the terminal
to other terminals, the users of those terminals thereby being informed of the
absence of the user." Column 5, Line 47). It would have been obvious to one of
ordinary skill in the art at the time of the invention to modify Leahy with the
teachings of Weishut and include a method to generate agent parameters under

certain condition with the motivation to provide the user more details on the
status of another user.

Leahy-Weishut do not teach resetting said agent parameter and setting
said state to present if said agent parameter is not returned within a
predetermined time period.

Logan teaches resetting said state to present if said agent parameter is
not returned within a predetermined time period (Column 53-55). It would have
been obvious to one of ordinary skill in the art at the time of the invention to
modify Leahy-Weishut with the teachings of Logan and include a method of
resetting said state to present if said agent parameter is not returned within a
predetermined time period with the motivation to provide the user a simpler way
of resetting the system to active state.

In regards to claim 101, Leahy teaches a method wherein said agent is an
animated agent (Figure 1, Element 18).

In regards to claim 102, Leahy teaches a method further comprising
detecting one or more events corresponding to said agent when said state is
absent state in said electronic system and updating said agent parameters based
on current agent parameters with each detected event such that the behavior of
said virtual agent is continuously modified with each detected event (i.e. "Current
avatar position register 114 contains the current position and orientation of A's
avatar in the virtual world. This position is communicated to other clients via
network message processor 104. The position stored in register 114 is updated
in response to input from input devices 116. For example, a mouse movement

might be interpreted as a change in the current position of A's avatar." Column 5,
Line 15).

In regards to claim 103, Leahy and Weishut further teach a method
comprising sending information representing said predetermined time period
along with said agent parameter (Weishut, Figure 11 Element 514, i.e. idle,
inherent that there is a time).

In regards to claim 104, Leahy teaches a method further comprising
receiving said agent parameters at said electronic system after sending said
agent parameter (i.e. "In order that each user sees the correct location of each
of the other avatars, each client machine sends its current location, or changes in
its current location, to the server and receives updated position information of the
other clients." Column 3, Line 25).

In regards to claim 105, Leahy and Weishut teach a method further
comprising changing said state of said agent to existence state in response to
receiving said agent parameter (Weishut Column 6, Lines 47-49).

In regards to claim 106, Leahy further teaches a method wherein said
received agent parameter is a modified version of said agent parameter (i.e. "In
order that each user sees the correct location of each of the other avatars, each
client machine sends its current location, or changes in its current location, to the
server and receives updated position information of the other clients." Column 3,
Line 25).

In regards to claim 107, Leahy-Weishut-Logan further teach a method of
claim 100 wherein modifying the behavior in said electronic system of the agent

includes removing the image associated with the agent from a display of the electronic system if the state is absent state (Weishut, Column 5 Lines 47-55).

In regards to claim 108, Leahy and Weishut further teach a method of claim 100 wherein modifying the behavior in said electronic system of the agent includes displaying, at the electronic system, second image of the agent leaving an area if the state is absent state (Weishut, Column 5 Lines 47-55).

In regards to claim 109, Leahy and Weishut further teach a method of claim 108 wherein the area is a room (Weishut, Column 5 Lines 47-55).

In regards to claim 110, Leahy-Weishut-Logan further teach a method of claim 100 wherein said electronic system is a computer (Weishut, Column 5 Lines 47-55).

In regards to claim 111, since claim 100 requires "at least one of" inner and outer information, the Examiner has found art that has "outer information" (i.e. position), thus this claim dealing with inner information is met by default.

In regards to claim 112, since claim 100 requires "at least one of" inner and outer information, the Examiner has found art that has "outer information" (i.e. position), thus this claim dealing with inner information is met by default.

In regards to claim 113, Leahy-Weishut-Logan further teach a method of Claim 100, wherein said outer information is directed to an environmental condition (see Leahy Column 5, Line 15, position is outer information).

In regards to claim 114, Leahy-Weishut-Logan further teach a method of Claim 100, wherein said outer information includes at least one of position,

comfortableness of a room, user action and guest action (see Leahy Column 5,

Line 15, position is outer information).

Allowable Subject Matter

Claims 81-87 and 94-99 are allowed.

The following is a statement of reasons for the indication of allowable

subject matter:

In regards to impendent claim 81, prior art found does not teach,

controlling an animated <u>electronic pet</u> associated with a user of an electronic

system, wherein plurality of pet parameters determine a behavior of an <u>animated</u>

<u>electronic pet</u>, setting a state of said animated electronic pet in said electronic

system to absent state in response to sending said plurality of pet parameters;

resetting said plurality of pet parameters and setting said state to present if said

plurality of pet parameters are not returned within predetermined time period; and

modifying the behavior of the animated electronic pet in said electronic system in

accordance with said state, wherein modifying the behavior includes displaying

an image associated with the animated electronic pet at the electronic system if

the state is present; in combination with all of the other claim limitations.

Response to Arguments

Applicant's arguments filed 11/07/2007 with respect to claims 100-114 have been fully considered but they are not persuasive.

In regards to the Applicant's argument that the prior art cited does not teach a plurality of behaviors associated with animated images, the Examiner points out that "plurality of behaviors" is not recited in the claim language therefore it is given no weight.

In regards to the Applicant's argument that the prior art cited does not teach the agent parameters being one of inner and outer information, the Examiner respectfully disagrees. Leahy teaches, "*Current avatar **position** register 114 contains the current position and orientation of A's avatar in the virtual world. This position is communicated to other clients via network message processor 104. The position stored in register 114 is updated in response to input from input devices 116. For example, a mouse movement might be interpreted as a change in the current position of A's avatar.*" Column 5, Line 15. Thus, position qualifies as outer information and since the claim requires only one of outer and inner, the limitation is met.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is

filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BORIS PESIN whose telephone number is (571)272-4070. The examiner can normally be reached on Monday-Friday except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BP

/David A Wiley/
Supervisory Patent Examiner, Art Unit 2174